

NIP-188

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

H. AKIYAMA et al

Serial No. 09/623,040

Group Art Unit: 2881

Filed: August 25, 2000

Examiner: B. Souw

For: CHARGED PARTICLE BEAM IRRADIATION EQUIPMENT
AND CONTROL METHOD THEREOF

REQUEST FOR NEW OFFICE ACTION AND
RESET OF THE STATUTORY RESPONSE DUE DATE

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

The undersigned attorney received an Office Action dated January 17, 2003 in the above-identified application. Note that the Office Action did not mention the filing of the Second Preliminary Amendment on November 5, 2002.

Enclosed is a copy of the Second Preliminary Amendment filed on November 5, 2002.

Secondly, the PTO-982 form attached to the Office Action lists 16 U.S. references cited, yet only four of the references were enclosed with the Office Action.

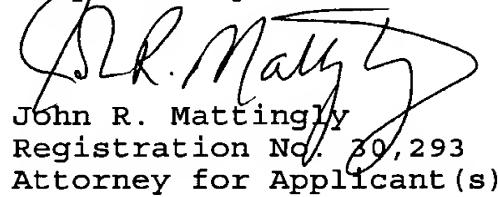
On February 5, 2003, the undersigned attorney's office contacted Examiner Souw regarding the missing references, however the references have not yet been received.

Applicants request that a new Office Action be forwarded indicating that the Amendment filed November 5, 2002 was considered by the Examiner.

Applicants request that all references cited by the Examiner be forwarded to the undersigned attorney with the new Office Action.

Applicants also request that the statutory response due date be reset in consideration of the above omissions.

Respectfully submitted,

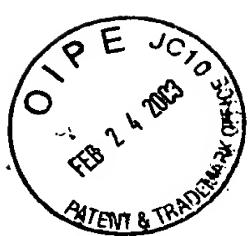

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Date: February 19, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
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Washington, D.C. 20231

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In re Patent Application of

H. AKIYAMA et al

Serial No. 09/623,040

Group Art Unit: 2878

Filed: August 25, 2000

For: CHARGED PARTICLE BEAM IRRADIATION EQUIPMENT
AND CONTROL METHOD THEREOF

Papers Filed Herewith:

Transmittal Letter;
SECOND PRELIMINARY AMENDMENT.

Receipt is hereby acknowledged of the papers filed, as identified in connection with the above-identified patent application.

COMMISSIONER OF PATENTS AND TRADEMARKS

In RE application of H. AKIYAMA et al
 Serial No.: 09/623,040
 Filed: August 25, 2000

PATENT
 Case Docket No. NIP-188

Group Art Unit: 2878
 Examiner:

For: CHARGED PARTICLE BEAM IRRADIATION EQUIPMENT
 AND CONTROL METHOD THEREOF

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 TECHNOLOGY CENTER 2800

Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

Transmitted herewith is an Amendment in the above-identified application.

Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

No additional fee is required.

The fee has been calculated as shown below:

	(COL. 1)	(COL. 2)	(COL. 3)
Total	8	Minus	20
Indep.	2	Minus	3
<input type="checkbox"/> First Presentation of Multiple Dependent Claims			

SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
Rate	Additional Fee		Rate	Additional Fee
x 9	\$		x 18	\$ 0
x 42	\$		x 84	\$ 0
+ 140	\$		+ 280	\$ 0
Total	\$		Total	\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write '0' in Col. 3.
 ** If the 'Highest Number Previously Paid For' IN THIS SPACE is less than 20, write '20' in this space.
 *** If the 'Highest Number Previously Paid For' IN THIS SPACE is less than 3, write '3' in this space.
 The 'Highest Number Previously Paid For' (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

Please charge my Deposit Account No. 50-1417 in the amount of \$ _____.

A check in the amount of \$ _____ is attached in payment of: _____.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1417.

Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

Any patent application processing fees under 37 CFR 1.17.

Any Extension of Time fees that are necessary, which are hereby requested if necessary.

MATTINGLY, STANGER & MALUR, P.C.
 1800 Diagonal Rd., Suite 370
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Date: November 5, 2002

By:

John R. Mattingly
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 Attorney for Applicant(s)